

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**DAVID CORDOVA,**

**Plaintiff,**

**vs.**

**MICHAEL J. ASTRUE,  
Commissioner of the  
Social Security Administration,  
Defendant.**

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**Civ. No. 10-1165-CG/WDS**

**MEMORANDUM OPINION AND ORDER**

Before the Court is the parties' Agreed Motion To Reverse and Remand to the Commissioner for further administrative proceedings before an Administrative Law Judge (Doc. 18). Upon examination of the merits, it is hereby ORDERED, ADJUDGED AND DECREED that this case is reversed and remanded to the Defendant for further administrative action pursuant to sentence four (4) of § 205(g) of the Social Security Act, 42 U.S.C. § 405(g). *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

Upon remand, the ALJ will re-evaluate the opinions of Renate Wewerka, Ph.D., Gabriela Munoz, Ph.D., and Timothy Busch in accordance with 20 C.F.R. § 404.1527 and/or Social Security Ruling (SSR) 06-3p. In doing so, the ALJ should provide specific reasons for accepting or rejecting such opinions, and state the weight given to the opinions. Further, the ALJ should seek clarification on whether Timothy Busch is a physician's assistant (PA-C) or a physician (M.D.). Additionally, the ALJ will re-evaluate Plaintiff's mental impairments pursuant to 20 C.F.R. § 404.1520a, relating the degree of functional loss in the four areas of functioning, and discussing the evidence considered to determine the rating of severity. The ALJ will also re-evaluate Plaintiff's residual functional capacity based on all the relevant evidence. Lastly, the ALJ will consolidate Plaintiff's subsequently

filed applications from September 14, 2010 and November 21, 2010 and issue a new decision.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', with a long horizontal line extending to the right.

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THE HONORABLE CARMEN E. GARZA  
UNITED STATES MAGISTRATE JUDGE

SUBMITTED AND APPROVED BY:

Electronically submitted 6/24/11

MANUEL LUCERO

Assistant United States Attorney  
Attorney for Defendant

Telephonic approval received 6/24/11

MICHAEL S. LIEBMAN

Attorney for Plaintiff